

R E M A R K S

A. INTRODUCTION

A Response with Amendment filed September 5, 2008, was not entered.

A Telephone Interview was held on October 6, 2008, to discuss the Advisory Action mailed September 22, 2008 and the prior-filed Response. The Examiner requested that the prior-filed Response be re-submitted and that the Amendment would be sufficient to overcome the current (and only) rejections under Section 112(2).

Claims 13-30 and 70-94 are pending.

Claims 13-30, 78, and 79 are rejected.

Claims 1-12 and 31-77 were previously cancelled.

Claims 80-94 are currently withdrawn.

Upon entry of this Amendment:

- Claims 13-30 and 71-94 will be pending and allowable
- Claim 13 will be amended to incorporate subject matter of Claim 70 the Examiner has deemed allowable
- Claim 70 will be cancelled without prejudice
- Claims 13, 72, and 73 will be the only independent claim
- Claims 80-94 (currently withdrawn) are submitted for examination as they depend from Claim 13 (which Applicants submit is allowable)
- The Specification will be amended

B. SUMMARY OF TELEPHONE INTERVIEW

Applicants would like to thank the Examiner for the helpful telephone conversation held on October 6, 2008, with Applicants' representative.

The Examiner and Applicants' representative discussed the Advisory Action and the Response with Amendment filed on September 5, 2008, after the Final Office Action mailed May 5, 2008. The Examiner stated that the prior Response was not entered and the remarks were not considered.

Applicants' representative suggested that the Amendment overcame all the rejections in the Final Office Action. Upon consideration of the Amendment and Remarks, the Examiner agreed that the Amendment would overcome all the rejections in the Final Office Action once entered.

The Examiner suggested that Applicants re-submit the Amendment in this second Response.

Applicants are grateful for the opportunity to discuss the present application with the Examiner.

C. AMENDMENTS TO THE SPECIFICATION

The Specification is amended in order to update priority information of referenced applications. No new matter is added.

D. AMENDMENTS TO THE CLAIMS

As discussed with the Examiner during the Telephone Interview, Claim 13 has been amended, rendering moot the Examiner's Section 112 rejection for indefiniteness.

Specifically, Claim 13 has been amended to remove the limitation suggested by the previous Examiner, and to recite explicitly subject matter of dependent Claim 70 (now cancelled) that the present Examiner indicates is allowable (and complies with Section 112). Claim 13 now recites in which the second amount of funds is based on the first amount of funds.

Accordingly, Claim 70 has been cancelled without prejudice.

Applicants have also amended Claims 72 and 73, in accordance with the Examiner's suggestion, to incorporate explicitly all of the limitations of Claim 13. The Examiner indicated that Claims 72 and 73 would be allowable if rewritten in independent form including all of the limitations of Claim 13.

E. SECTION 112 ¶ 2 REJECTION: INDEFINITENESS

Claims 13-30, 78 and 79 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which we regard as the invention. We respectfully traverse the Examiner's Section 112 ¶ 2 rejection of Claims 13-30, 78 and 79, for at least the reasons stated in the previous reply, and further because agreement was reached with the prior Examiner that the Amendment in the previous reply was sufficient to overcome the Section 112 ¶ 2.

However, Applicants have acted upon the Examiner's acknowledgement in the Final Office Action that Claims 70-77 would be allowable if rewritten to include the limitations of Claim 13. Specifically, Applicants have amended Claim 13 to incorporate the additional limitation of Claim 70. Applicants respectfully submit that this Amendment is sufficient to overcome the Examiner's Section 112 ¶ 2 rejection by providing in Claim 13 language the Examiner found sufficiently definite in Claim 70 (now cancelled).

For at least this reason, Applicants respectfully request the reconsideration and withdrawal of the Section 112 ¶ 2 rejections of Claims 13-30, 71, and 78 and 79.

Further, Applicants have amended Claims 72 and 73 to be independent claims, incorporating all of the limitations of base Claim 13 (as prior to this Amendment).

As Claims 71 and 74-79 depend from Claim 13, now amended as described above, Applicants respectfully submit that the objection to Claims 71-79 be withdrawn.

Accordingly, Applicants submit that all of Claims 13-30 and 71-79 are in condition for allowance.

F. CLAIMS 80-94: READY FOR EXAMINATION AND ALLOWANCE

Each of Claims 80-94 depends from generic Claim 13. Applicants submit, as described above, that Claim 13 is allowable (at least because it incorporates the subject matter of Claim 70 the Examiner indicated is allowable).

Accordingly, Applicants respectfully request examination and allowance of Claim 80-94.

G. ADDITIONAL COMMENTS

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including the Examiner's interpretation of claimed subject matter or the Specification, is not to be understood as agreement with the Examiner. As the Examiner has not established an un rebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, we need not address all of the Examiner's assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

H. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Deposit Account: 50-0271

Order No.: 99-006

Please credit any overpayment to the same account.

I. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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Date

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